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August 13, 1999

Magalie Roman Salas
Office of the Secretary
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The Portals
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AUG 13 1999

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RE: Notice of Proposed Rulemaking and Notice of Inquiry
in WT Docket No. 99-217 and Third Further Notice of
Proposed Rulemaking in CC Docket No. 96-98, FCC 99-141

Dear Secretary Salas:

The New York State Department of Public Service (NYDPS) submits this letter in response to the Federal Communications Commission's (Commission) Notice of Proposed Rulemaking (NPRM) in the above captioned matter. The NYDPS Staff is currently examining issues associated with building access in New York, because, among other things, competitive carrier access to buildings and roof-tops will further promote facilities-based local competition.

We agree with the Commission's proposal to use its Communications Act Section 224 authority to promote access. Under Section 224, states retain the authority to act on access issues, as was noted in this NPRM.

Very truly yours,

Lawrence G. Malone

Lawrence G. Malone
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In the Matter of

Notice of Proposed Rulemaking and Notice of Inquiry
in WT Docket No. 99-127, and Third Further Notice of
Proposed Rulemaking in CC Docket No. 96-98, FCC 99-141

CERTIFICATE OF SERVICE

I, Lucille T. Dillenbeck, hereby certify that an original and four (4) copies of comments in the above-captioned proceeding were sent via Airborne Express to Magalie Roman Salas, Secretary of the Federal Communications Commission. In addition, a copy was filed using the Commission's Electronic Filing System and copies were sent by First Class Mail, postage prepaid, to all parties on the attached service list.


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Dated: August 12, 1999
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